

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**OHIO CASUALTY INSURANCE
COMPANY,**

Plaintiff,

v.

CIVIL ACTION NO. 03-CV-350-DRH

**MADISON COUNTY, ILLINOIS an
Illinois municipal corporation, JOSEPH
D. PARENTE, NEVAN FISHER, and
GERALDINE FISHER,**

Defendants,

O'BRYAN CONSULTING, INC.,

Defendant/Third Party Plaintiff,

v.

ESSEX INSURANCE COMPANY,

**Third-Party Defendant/
Counter-Plaintiff,**

v.

**MADISON COUNTY, ILLINOIS, an
Illinois municipal corporation, JOSEPH
D. PARENTE, AGENTS OF MADISON
COUNTY, LEVCO, C.D.S. and O'BRYAN
CONSULTING, INC.,**

Counter-Defendants.

JUDGMENT IN A CIVIL CASE

DECISION BY COURT. This action came to hearing before the Court on Cross-Motions for Judgment on the Pleadings filed by O'Bryan Consulting, Inc. and Ohio Casualty

Insurance Company, Motion for Judgment on the Pleadings filed by Essex Insurance Company against all Counter-Defendants, and Motion for Judgment on the Pleadings filed by Ohio Casualty Insurance Company against Madison County, Illinois and Joseph D. Parente.

IT IS ORDERED AND ADJUDGED that Ohio Casualty Insurance Company has a duty to defend O'Bryan Consulting, Inc. in connection with Cause No. 03-CV-58-DRH, that O'Bryan Consulting, Inc.'s Motion for Judgment on the Pleadings is granted and Ohio Casualty Insurance Company's Cross-Motion for Judgment on the Pleadings is denied, that Ohio Casualty Insurance Company has no duty to defend Madison County and Joseph D. Parente in the aforesaid action, that Ohio Casualty Insurance Company's Motion for Judgment on the Pleadings is granted as to Madison County and Joseph D. Parente, Count II of Ohio Casualty Insurance Company's Third Amended Complaint for Declaratory Judgment is dismissed with prejudice and without costs upon Plaintiff's Motion to Voluntarily Dismiss, and that Essex Insurance Company has no duty to defend or indemnify O'Bryan Consulting, Inc., Madison County and Joseph D. Parente in the aforesaid action, that Essex Insurance Company's Motion for Judgment on the Pleadings is granted as to Count I of its Counterclaim, that Count II of the Counterclaim is dismissed with prejudice, and that O'Bryan Consulting, Inc.'s Third Party Complaint is dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that Ohio Casualty Insurance Company's Motion to Voluntarily Dismiss Certain Defendants is granted and Defendants Nevan Fisher and Geraldine Fisher are dismissed with prejudice. Lastly, Essex Insurance Company

voluntarily dismissed its counterclaim against Agents of Madison County and Levco, C.D.S., pursuant to Federal Rule of Civil Procedure 41(c).

NORBERT G. JAWORSKI, CLERK

June 15, 2005

BY: /s/Patricia Brown
Deputy Clerk

APPROVED: /s/ David RHerndon
U.S. DISTRICT JUDGE

EOD: 06/15/2005